

### Remarks

Claims 1-29 were originally pending and have been examined. Claims 30 and 31 were added by a preliminary amendment which included the fee for extra claims but this filing was submitted after the Office Action was mailed. Applicants request that claims 30 and 31 be entered in the amended form above if not previously entered and if previously entered, then please amend as noted above. Thus, claims 1-31 are currently pending. Claims 1, 12, 21, 30 and 31 have been amended. No new claims have been added. No new matter has been included. Applicants assert that all claims are now in condition for allowance as set forth more fully below.

### Interview Summary

The undersigned participated in a telephone interview with the Examiner on February 3, 2005. During the interview, deficiencies in the Richetta reference were discussed in relation to subject matter of the present application. Namely, it was discussed that Richetta fails to disclose a method, system or computer readable medium that teaches the use of a histogram to locate a node in a constellation of satellites that is experiencing packet traffic congestion or a packet traffic overload condition. Neither does Richetta teach the use of a histogram in conjunction with a simulated alternative constellation topology to construct a network configuration that would relieve the packet traffic congestion or traffic overload condition. Richetta teaches a system and method to replay traffic logs according to an actual satellite node topology to minimize redundant forward and reverse packet pairs. The Examiner concurred that this subject matter is different from and overcomes the rejections in view of Richetta and requested the Applicants submit clarifying amendments covering such subject matter.

### 103 Rejections

Claims 1-29 stand rejected under 35 USC §103 as being unpatentable over Richetta (Patent Number 5,499,237). Applicants respectfully traverse these rejections. As noted above in the Interview Summary, the Examiner concurred that the subject matter as discussed above overcomes the rejection based on Richetta. Rejected claims 1-29 and claims 30 and 31 have been amended to recite such subject matter. As a

representative example, claim 1 recites determining the existence of a packet traffic congestion condition and overloaded topology nodes by creating a first visual histogram of the traffic flow through at least one node in the existing network topology, modifying a map of the existing network topology to create a proposed topology, and generating a second visual histogram file by replaying the traffic logs through the proposed topology to verify the packet traffic congestion condition and overloaded network nodes have been resolved. Thus, claims 1-31 overcome the cited references for the reasons discussed above.

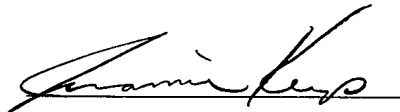
### Conclusion

Claims 1-31 are pending, and as discussed above, claims 30 and 31 were added earlier via a preliminary amendment filed on December 28, 2004 and apply to a computer readable medium. Applicants request reconsideration of claims 1-29 in view of the amendment and remarks above, request that claims 30 and 31 also be examined, and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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